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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,191	02/06/2004	James T. Hamilton	2026/41553/1	7211

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CHICAGO, IL 60603

EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,191

Applicant(s)

HAMILTON ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/08/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) 30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/08/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of the invention of Group I (claims 21-29) on 04/08/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 30 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 21-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 21 and 25, "other mechanical holding devices" is indefinite, since it is not clear what encompasses mechanical holding devices. It is not clear what is considered to be a mechanical holding device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 21, 25, and 29, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang (5,739,671), hereinafter Kang, in view of Leanna (4,831,930) and Sollinger et al. (4,985,972), hereinafter Sollinger. Regarding claims 21 and 25, Kang teaches a rotary cutting die 19 mountable on a metal cylinder 12. The metal cylinder is defined by saddle 12 that is selected to be equal to the radius of the cylinder 1. Kang also teaches a rotary die plate 20 has an inner surface and an outer surface and the inner surface is magnetically attractable and magnetically mountable on metal cylinder 12. Rotary die plate 20 is a magnetic base that is made of magnetic stainless steel. Kang also teaches a cutting blade 11 mounted on the outer surface of rotary die plate 20. Kang also teaches that rotary die plate 20 is configured such that the rotary cutting die is mountable on the metal cylinder without having to use screws, clamps or other mechanical holding devices. Typical magnetic die 19 in Fig. 3 does not need to be mounted on metal cylinder 12 by the use of use screws, clamps or other mechanical holding devices. See Figs. 1-3 and col. 3, lines 32-64 and col. 4, lines 1-45 in Kang. Kang does not expressly teach that the rotary die plate is formed of a solidified resin having a plurality of magnetic elements therein. Kang teaches that the die plate is magnetic; however Kang does not expressly teach that the die plate is formed from a resin or the like material and having a plurality of magnetic elements therein. However, the use of a magnetic rotary or a cylinder formed from resin or a non-magnetic material and having a plurality of magnetic elements therein is well known in the art such as taught by Leanna. Leanna teaches a magnetic layer or rotary that is mounted to a core or shaft 12. Leanna also teaches that the magnetic layer is formed from resin or non-magnetic material 15 and having a plurality of magnetic elements 14, 16 therein. The magnets 14 and magnetic

pole disks 16 define the plurality of magnetic elements. See Figs. 1-10 and col. 2, lines 39-68 and col. 4, lines 2-68 in Leanna. Kang and Leanna do not teach that the die plate has a plurality of magnetic elements. However, Sollinger teaches a rotary plate having a plurality of magnetic elements 4 and the rotary plate is mounted to a cylinder 2. See Figs. 1-2 and col. 2, lines 10-55 in Sollinger. It would have been obvious to a person of ordinary skill in the art to formed Kang's rotary die plate of a resin or non-metallic material with a plurality of magnetic elements therein, as taught by Leanna, and mount the rotary die plate with the plurality of magnetic elements on the metal cylinder, as taught by Sollinger, in order to mount the rotary die plat on the metal cylinder by the use of magnetic elements.

Regarding claim 29, Kang teaches everything noted above including a magnetic member 17 on metal cylinder 12 in contact with the rotary cutting die 19. Kang also teaches that magnetic member 17 is configured to reduce creeping of the rotary cutting die along metal cylinder 12 while the cutting blade is cutting during rotation of the metal cylinder. See Figs. 1-3 in Kang.

7. Claims 22, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knag in view of Leanna and Sollinger, as applied to claims 21 and 25, and in further view of Huang (2003/0209112). Regarding claims 22, 24, 26, and 28, Kang, as modified above, teaches everything noted above except that the magnet elements are neodymium magnets. However, the use of neodymium magnets to mount a surface on a metallic surface is well known in the rat such as taught by Huang. Huang teaches neodymium magnetic elements 13, 22 for mounting a surface to a metallic surface 41. See Figs. 1-3 and page 1, paragraph 16 in Huang. It would have been obvious to a person of ordinary skill in the art to

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form the magnetic elements of Kang's rotary die plate, as modified above, from neodymium magnets as taught by Huang in order to ensure a strong bound between the die plate and the metal cylinder since the metal neodymium magnets have strong magnetic attraction.

8. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knag in view of Leanna and Sollinger, as applied to claims 21 and 25, and in further view of Kapolnek (6,067,887). Regarding claims 23 and 27, Kang, as modified above, teaches everything noted above except that the cutting blade having edge which extends at least 0.125 inches above an outer surface of the rotary die plate. However, Kapolnek teaches a the cutting blade 12 having a cutting edge 16 that extends 0.125 inches above an outer surface 18 of a rotary die plate 14. See Fig. 1 and col. 3, lines 23-40 in Kapolnek. It would have been obvious to a person of ordinary skill in the art to provide Kang's rotary die plate, as modified above, with the cutting blade as taught by Kapolnek in order to use the rotary cutting blade fro cutting a specific type of material that has a specific thickness.

Response to Amendment

9. Applicant's arguments with respect to claims 21-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loubier et al. (5,030,937), Cavazos (5,938,579), D'Luhy (3,965,786), Leanna (6,105,651), and Okonski et al. (6,532,854)) teach a rotary die plate magnetically mounted on a metal cylinder.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

June 21, 2005



Allan N. Shoap
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Group 3700